IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

Crl.MC.No. 2514 of 2007()

ST.176/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PALAKKAD

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PETITIONER:

G. SASIDHARAN,
S/O. GOPALAN,
KUNNAMKULANGARA HOUSE,
VAROD, KOTTAYI,
ALATHUR,
PALAKKAD.

BY ADV. SRI.VINOD KUMAR.C

RESPONDENTS:

STATE, REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/08/2007 ALONG WITH CRMC NO.2515/07 AND OTHER CONNECTED CASES THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. Nos. 2514, 2515, 2516, 2517 & 2518 OF 2007

Dated this the 6th day of August, 2007

ORDER

The common petitioner faces indictment in five separate prosecutions – all under Sec.138 of the Negotiable Instruments Act before different courts at Palakkad District. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. Consequent to the non-appearance of the petitioner before the courts below, coercive processes have been issued against the petitioner and the petitioner finds the warrants of arrest issued by the learned Magistrate chasing him. According to the petitioner, his absence was not wilful; but was on account of reasons beyond his control. The petitioner is willing to appear before the learned Magistrate, seek bail and co-operate with the courts below for the expeditious disposal of the cases. The petitioner apprehends

that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, these Crl.M.Cs. are dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior

notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge